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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2011-861

13 **MONIKA JASKOWSKA**
1822 Purdue Ave., #7
Los Angeles, CA 90025

A C C U S A T I O N

14 Registered Nurse License No. 736381

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
21 Consumer Affairs (Board).

22 2. On or about September 10, 2008, the Board issued Registered Nurse License
23 No. 736381 to Monika Jaskowska (Respondent). The Registered Nurse License was in full force
24 and effect at all times relevant to the charges brought herein and will expire on January 31, 2012,
25 unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board, under the authority of the following
28 laws. All section references are to the Business and Professions Code unless otherwise indicated.

STATUTORY PROVISIONS

4. Section 118, subdivision (b), provides that the suspension, expiration, surrender or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

5. Section 490 provides that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

6. Section 2750 provides that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

7. Section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

8. Section 2761 states, in pertinent part:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

....

"(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof. . . ."

9. Section 2762 states, in pertinent part:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

....

"(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages; to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

"(c) Be convicted of a criminal offense involving the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of this section, or the possession of, or falsification of a record pertaining to, the substances described in subdivision (a) of this section, in which event the record of the conviction is conclusive evidence thereof. . . ."

REGULATORY PROVISION

10. California Code of Regulations, title 16, section 1444 states, in pertinent part:

“A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare. . . .”

COST RECOVERY

11. Section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

(Conviction of Substantially Related Crime)

12. Respondent is subject to disciplinary action under sections 490 and 2761, subdivision (f), in conjunction with California Code of Regulations, title 16, section 1444, on the grounds of unprofessional conduct, in that Respondent was convicted of a crime substantially related to the qualifications, functions or duties of a registered nurse which to a substantial degree evidences her present or potential unfitness to practice in a manner consistent with the public

1 health, safety, or welfare, as follows:

2 a. On or about July 20, 2010, after pleading nolo contendere, Respondent was convicted
3 of one misdemeanor interlineated count of violating Vehicle Code section 23103 [wet--reckless]
4 in the criminal proceeding entitled *The People of the State of California v. Monika Jaskowska*
5 (Super. Ct. Los Angeles County, 2010, No. 0SY03764). The Court Placed Respondent on three
6 (3) years probation, ordered her to perform 188 hours of community service in lieu of jail or fine,
7 ordered her to complete a 3-month First-Offender Alcohol program, ordered her to attend two (2)
8 Alcoholics Anonymous/NA meetings per week for six (6) months, and ordered her to complete
9 the Hospital and Morgue Program.

10 b. The circumstances underlying the conviction are that on or about April 5, 2010,
11 Respondent while having a tested 0.18% blood alcohol level drove her vehicle into the rear of a
12 another vehicle stopped at a traffic signal.

13 **SECOND CAUSE FOR DISCIPLINE**

14 **(Alcohol Related Conviction)**

15 13. Respondent is subject to disciplinary action under sections 2761, subdivision (a),
16 and 2762, subdivision (c), on the grounds of unprofessional conduct, in that on or about July 20
17 2010, Respondent sustained a conviction involving alcoholic beverages. Complainant refers to
18 and by this reference incorporates the allegations set forth above in paragraph 12, subparagraphs a
19 and b, inclusive, as though set forth fully.

20 **THIRD CAUSE FOR DISCIPLINE**

21 **(Dangerous Use of Alcohol)**

22 14. Respondent is subject to disciplinary action under sections 2761, subdivision (a),
23 and 2762, subdivision (b), on the grounds of unprofessional conduct, in that on or about April 5,
24 2010, Respondent dangerously used alcoholic beverages to an extent or in a manner dangerous or
25 injurious to herself or others when she drove a vehicle while intoxicated causing an automobile
26 collision. Complainant refers to and by this reference incorporates the allegations set forth above
27 in paragraphs 12 -13, inclusive, as though set forth fully.

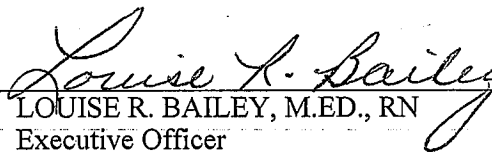
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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board issue a decision:

1. Revoking or suspending Registered Nurse License No. 736381, issued to Monika Jaskowska;
2. Ordering Monika Jaskowska to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: 4/19/11


LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

LA2010600976